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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,765	12/12/2001	Peter S. Whitney	1109us	2239

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EXAMINER
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LIN, TINA M

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/021,765

Applicant(s)

WHITNEY ET AL.

Examiner

Tina M Lin

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication US2002/0064352 A1 to Andersen et al. In regards to claims 1-5, Anderson et al. discloses a package or housing that includes exemplary optical components (54 and 56) and a getter (70), which withdraws moisture from a region. However, Andersen et al. fails to specifically disclose the optical component in the package to be a filter having two thin film mirrors that define an optical resonant cavity. However, from figure 4 in Andersen et al., it can be observed that the exemplary optical component in the shape of a pipette / parallelogram, a well-known and common shape for a resonant cavity. Furthermore, the exemplary optical component may also be either a filter or a set of thin film mirrors. Therefore, since Andersen et al. only discloses numbers 54 and 56 in figure 4 to be optical components, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have chosen an optical filter with thin film mirrors to define an optical resonant cavity as either number 54 or 56 in figure 4. Andersen et al. also fails to specifically mention a hermetic package and the filter to be disposed on a release structure. However, the use of a hermetic package is well known and obvious to one skilled in the art. If a getter were to be included in the overall system to extract moisture from a region, for obvious reasons, a hermetic package would

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be used to prevent moisture from entering the region. Additionally, Andersen et al. only mentions a package or housing but does not specify a specific type of housing. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have used a release structure, or any other structure, which would allow for the most optimal results and the greatest ease for working with the system. In regards to claims 8-11, Andersen et al. discloses an optical component in a package, a getter on the lid in the package to absorb moisture, and a lid to close the package. But Andersen et al. fails to specifically mention an optical filter with two thin film mirrors that define an optical resonant cavity, sealing the package with the getter, removing the moisture prior to sealing the lid and applying the getter to the lid prior to sealing the lid. However, from figure 4 in Andersen et al., it can be observed that the exemplary optical component in the shape of a pipette / parallelogram, a well-known and common shape for a resonant cavity. Furthermore, the exemplary optical component may also be either a filter or a set of thin film mirrors. Therefore, since Andersen et al. only discloses numbers 54 and 56 in figure 4 to be optical components, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have chosen an optical filter with thin film mirrors to define an optical resonant cavity as either number 54 or 56 in figure 4. Also, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have removed any moisture from the package prior to sealing the package since the goal of the getter component is to absorb the additional moisture that the package may incur. Additionally, since it would likely be easier to place the getter on the lid before it was sealed, it would have also been obvious at the time the invention was made to a

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person having ordinary skill in the art to have placed the getter on the lid prior to sealing and thereby also sealing the package with the getter.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication US2002/0064352 A1 to Andersen et al as applied to claim 1 above, and further in view of U.S. Patent 6,373,620 B1 to Wang. Andersen et al. discloses all of the above, but fails to specifically mention a thin film mirror, which comprises alternating layers of tantalum pentoxide and silicon dioxide. However, these materials are commonly used and well known materials for thin film mirrors. Wang discloses a mirror with alternating layers of tantalum pentoxide and silicon dioxide. (Column 9) Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a thin film mirror with alternating layers of tantalum pentoxide and silicon dioxide.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References B, D, and E discuss devices and systems with alternate types of moisture preventative measures, such as a component or a material within or attached to the device or system.


This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

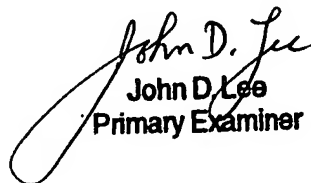
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M Lin whose telephone number is (703) 305-1959. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TML   
April 11, 2003

  
John D. Lee  
Primary Examiner